

Claim Rejections - 35 USC § 112

Election/Restrictions

Applicant's election with traverse of claims 1-9 in the reply filed on 4/24/2006 is acknowledged.

The traversal is on the ground(s) that the examiner has not shown that the inventions are not obvious variants. This is not found persuasive because the claims are not commensurate in scope.

The requirement is still deemed proper and is therefore made FINAL.

The election of species requirement has been withdrawn.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The method is not a statutory class of invention nor it is adequately tied to a statutory class of invention.

Claim Rejections - 35 USC § 112

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims "determining" a risk assessment value is vague and indefinite as the algorithm for is unclear.

Claim 2 is vague and indefinite as it is not clear how the evaluating step differs from the determining step.

Claims 3 is vague and indefinite as to the nexus between the action plan and the minimizing step.

Claim 5 is indefinite with respect to the "addressing step", nor is it clear how it further limits claim 1.

Claim 8 is indefinite as the dimensions of the units are not the same.

Claim 9 is indefinite as to how it further limits claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,113,914.

The prior art teaches the following steps:

- (B) identifying a number of impacting change factors of the period of criticality (Fig 2, Box 202);
- (C) determining a risk assessment value for each of the number of impacting change factors (Fig 2, Box 206); and
- (D) prioritizing the number of impacting change factors based upon each risk assessment value (Fig 2, Box 209).

been obvious for one skilled in the art at the time to have selected a period of time as motivated by the need to control for time in the evalution.

As for the following dependent limitations:

2. The method of claim 1 further comprising the step of periodically evaluating the risk assessment value for each of the number of impacting change factors and re-prioritizing the number of impacting change factors based on the periodic evaluation of the risk assessment values.
3. The method of claim 1 further comprising the step of developing an action plan configured to either one of minimizing or eliminating an effect of an impacting change factor on the current model.
4. The method of claim 3 further comprising the step of assigning a projected target date for either minimizing or eliminating an effect of an impacting change factor on the current model.
5. The method of claim 1 wherein the step of prioritizing the number of impacting change factors based upon each risk assessment value further comprises the step of ranking the number of impacting change factors in a

descending arrangement based upon the risk assessment values and further comprising the step of addressing the number of impacting change factors in turn based upon the descending arrangement.

6. The method of claim 5 further comprising the step of repeating steps (C) and (D) of claim 1 after the number of impacting change factors have been addressed.

It would have been obvious for one skilled in the art to implement each of these steps as necessitated by the need make use of the model data.

As for the following dependent limitations:

7. The method of claim 1 wherein the step of determining a risk assessment value for each of the number of impacting change factors includes the steps of:
determining a severity value for each impacting change factor;
estimating a likelihood of occurrence for each impacting change factor; and
determining a detectability coefficient for each impacting change factor.
8. The method of claim 7 further comprising the step of summing the severity value, the likelihood of occurrence, and the detectability coefficient for an impacting change factor to derive the risk assessment value for the impacting change factor.

The examiner takes official notice that it is well montecarlo simulation is a well know technique in risk management and that it would have been obvious for one skilled in the art at the time to have implemented this technique to derive a risk score.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C. Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571 272 6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

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